

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  NEXGEN INTEGRATED COMMUNICATIONS, L.L.C.	DOCKET NO. A-2013-3418
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**ORDER FINDING VIOLATION  
AND GIVING NOTICE OF POSSIBLE CIVIL PENALTIES**

(Issued July 23, 2014)

NexGen Integrated Communications, L.L.C. (NexGen), is a public utility as defined in Iowa Code § 476.1 (2013). As such, NexGen is required to file with the Utilities Board (Board) on or before April 1 of each year an annual report pursuant to the Board's rule at 199 IAC 23.1(2). The type of annual report NexGen must file as a non-rate-regulated local exchange carrier is specified in 199 IAC 23.3(3). The report describes the utility's operations for the preceding calendar year.

NexGen is also required to pay its portion of the fiscal year 2013 dual party assessment reconciliation charges for the Iowa Dual Party Relay Service, as required by Iowa Code § 477C.7. NexGen also must pay its portion of the fiscal year 2013 remainder assessment billings pursuant to Iowa Code § 476.10.

In recent years, NexGen has not filed its annual report in a timely manner.<sup>1</sup> Each year it has been necessary for Board staff to contact NexGen regarding the filing. This year, Board staff sent NexGen a letter dated May 12, 2014, stating that the company's annual report was past due and giving instructions for how to file the report.

Also, NexGen has not paid its Fiscal Year 2013 Dual Party Assessment Reconciliation Invoice (in the amount of \$82.60 due December 20, 2013) or its Fiscal Year 2013 Remainder Assessment Reconciliation Invoice (in the amount of \$945.37 due January 30, 2014). Board staff has contacted NexGen multiple times about the past due invoices. NexGen has not responded to any of these contacts.

As of the date of this order, NexGen has not filed its annual report for calendar year 2013 or paid either invoice. The Board finds that NexGen is in violation of the Board's rule at 199 IAC 23.1(2) and Iowa Code §§ 476.10 and 477C.7. These violations are significant, especially in light of NexGen's history of late filings.

The Board is issuing this order pursuant to Iowa Code § 476.51 to notify NexGen that it has violated and continues to violate Board rule 199 IAC 23.1(2) and Iowa Code §§ 476.10 and 477C.7, which require utilities to file annual reports and pay assessments. Giving NexGen written notice of these violations means that if NexGen does not file its annual report for calendar year 2013 or pay the invoiced

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<sup>1</sup> NexGen's annual reports were filed as follows: The report for calendar year 2009 was filed on April 16, 2010; the report for calendar year 2010 was filed on May 24, 2011; the report for calendar year 2011 was filed on July 31, 2012; and the report for calendar year 2012 was filed on June 11, 2013. As noted above, reports are due on April 1 of each year.

amounts, the Board may assess a civil penalty against NexGen for that violation, pursuant to the terms of Iowa Code § 476.51.

The Board will allow NexGen ten days from the date of this order to file its annual report for calendar year 2013 and to pay the past-due invoiced amounts. It does not appear that there are any disputed issues in this matter, but if NexGen has any reason to dispute the Board's finding of violation, the company may make an appropriate filing with the Board explaining its objection within seven days of the date of this order. If NexGen believes there are material issues of fact to be resolved, it may request a hearing.

**IT IS THEREFORE ORDERED:**

NexGen Integrated Communications, L.L.C., is hereby notified that it has violated 199 IAC 23.1(2) and Iowa Code §§ 476.10 and 477C.7 and that continuing violations or future violations of the same rule or statutes may result in the assessment of civil penalties, pursuant to Iowa Code § 476.51.

**UTILITIES BOARD**

/s/ Elizabeth S. Jacobs

/s/ Nick Wagner

ATTEST:

/s/ Joan Conrad  
Executive Secretary

/s/ Sheila K. Tipton

Dated at Des Moines, Iowa, this 23<sup>rd</sup> day of July 2014.